DETAILED ACTION

Response to Amendment

This action is responsive to applicant's amendment and remarks received on 06 March 2008. Claims 1 - 20 are currently pending.

Claim Rejections - 35 USC § 103

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simske U.S. Patent No. 7,234,106 in view of Cok et al. U.S. Patent No. 6,822,756.

-       With regards to claim 1, Simske teaches a method for automatically combining a digital image with text data, comprising: (a) receiving electronic data comprising a digital image; (Simske, Figs. 5 & 7, Column 3 Lines 40 - 54) (b) automatically classifying the image according to a predetermined set of categories; (Simske, Column 3 Lines 54 – 65, Column 4 Lines 3 - 17) and (c) automatically selecting text data from a repository that matches the category of the image according to a predetermined criterion; (Simske, Column 4 Lines 25 – 52) wherein (a), (b) and (c) are executed on one or more servers; (Simske, Column 8 Lines 30 - 36) and wherein the text data is not metadata. (Simske, Column 3 Lines

10 – 16, "annotation data 203 may be directly added to image") Simske fails to teach wherein the text data is at least one of a newspaper, book, magazine, brochure, pamphlet or advertisement; and wherein each of the newspaper, book, magazine, brochure, pamphlet or advertisement are stored as a text file. Cok et al. teach wherein the text data is at least one of a newspaper, book, magazine, brochure, pamphlet or advertisement; (Cok et al., Figs. 9, 10, & 11, Column 5 Lines 1 - 56) and wherein each of the newspaper, book, magazine, brochure, pamphlet or advertisement are stored as a text file. (Cok et al., Figs. 9, 10, & 11, Column 5 Lines 1 – 56, Element 142, "prestored digital image" it can be understood that prestored images, such as that of Fig. 10, are stored as files on the CPU and although they are called image files they contain images of text which is analogous to a text file which once combined will output the same result) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Simske with the teachings of Cok et al. This modification would have been prompted because Simske teaches adding any kind of text data to a digital image. In order to add more variety and a larger cache of text data to the existing method and system of Simkse the inclusion of text data as taught by Cok et al. would accomplish that goal with a reasonable expectation of success.

-       With regards to claim 2, Simske in view of Cok et al. teaches the method according to claim 1, wherein the selected text data matches a predetermined recipient profile. (Simske, Column 2 Line 65 - Column 3 Line 4)

-       With regards to claim 3, Simske in view of Cok et al. teaches the method according to claim 2, wherein said selecting at (c) further comprises automatically selecting a recipient profile according to a predetermined criterion. (Simske, Column 4 Lines 25 – 36 and Lines 37 - 45)

-       With regards to claim 4, Simske in view of Cok et al. teaches the method according to claim 3, wherein the predetermined criterion is the sender of the electronic data. (Simske, Column 2 Line 65 – Column 3 Line 4)

-       With regards to claim 5, Simske in view of Cok et al. teaches the method according to claim 1, further comprising automatically combining the image and the selected text data to form a combined document. (Simske, Column 3 Lines 10 - 19)

-       With regards to claim 6, Simske in view of Cok et al. teaches the method according to claim 1, further comprising at least one of automatically initiating printing of the combined document and sending the combined

document. (Simske, Column 8 Lines 20 – 36, "In other embodiments, the
executable instructions or software code may be communicated via a data
signal from a communication medium, such as the Internet...")

-        With regards to claim 7, Simske in view of Cok et al. teaches the method
        according to claim 1, wherein said receiving at (a) comprises receiving the
        electronic data over a network via at least one of electronic mail and a
        digital telephone network. (Simske, Column 8 Lines 20 – 36, "In other
        embodiments, the executable instructions or software code may be
        communicated via a data signal from a communication medium, such as
        the Internet...")

-        With regards to claim 8, Simske in view of Cok et al. teaches the method
        according to claim 1, wherein said receiving at (a) further comprises
        requesting and receiving at least one of a recipient name and a recipient
        profile. (Simske, Column 2 Line 65 – Column 3 Line 4)

-        With regards to claim 9, Simske in view of Cok et al. teaches the method
        according to claim 1, wherein said receiving at (a) further comprises
        testing the electronic data regarding at least one of authentication,
        authorization with respect to a potential recipient, and content of the

image. (Simske, Column 3 Lines 59 – 65, Simske teaches testing the data

for content, i.e. text regions and image regions)

-    With regards to claim 10, Simske in view of Cok et al. teaches the method

according to claim 1, wherein said classifying at (b) is preceded by

automatically placing the electronic data on a queue or schedule for

classification. (Simske, Column 3 Lines 54 – 59)

-    With regards to claim 11, Simske in view of Cok et al. teaches the method

according to claim 1, wherein the text data in the repository is classified

according to the predetermined set of categories and wherein said

selecting at (c) further comprises searching the repository for text data

comprising a keyword associated with the category of the image. (Simske,

Column 4 Lines 25 – 36)

-    With regards to claim 12, Simske in view of Cok et al. teaches the method

according to claim 1, wherein said selecting at (c) further comprises

searching the repository for text data comprising a keyword associated

with the category of the image. (Simske, Column 4 Lines 25 – 36)

-    With regards to claim 13, Simske in view of Cok et al. teaches the method

according to claim 1, wherein said selecting at (c) further comprising

classifying the image according to a predetermined set of subcategories within a category. (Simske, Column 3 Line 59 – Column 4 Line 2 and Column 4 Lines 25 – 45)

-       With regards to claim 14, Simske in view of Cok et al. teaches the method according to claim 1, wherein the electronic data further comprises image content information data and wherein said classifying at (b) further comprises extracting the image content information data. (Simske, Column 3 Line 59 - Column 4 Line 2)

-       With regards to claim 15, Simske in view of Cok et al. teaches the method according to claim 14, wherein the image content information data comprises one or more of positional and temporal information regarding the image, and wherein said classifying at (b) further comprises comparing at least one of the position and temporal information with a lookup table. (Simske, Column 4 Lines 36 – 45)

-       With regards to claim 16, Simske in view of Cok et al. teaches the method according to claim 1, wherein said classifying at (b) further comprises extracting content information from the image. (Simske, Column 3 Line 59 - Column 4 Line 2)

- With regards to claim 17, Simske in view of Cok et al. teaches the method according to claim 16, wherein extracting content information from the image comprises applying at least one of a kernel image categorization method and a multi-classifier method. (Simske, Column 3 Line 59 – Column 4 Line 2 and Column 4 Lines 25 – 36, Simske employs a multi-classifier method)

- With regards to claim 18, Simske teaches a method for automatically combining a digital image with text data, comprising: (a) receiving electronic data comprising a digital image; (Simske, Figs. 5 & 7, Column 3 Lines 40 - 54) (b) automatically classifying the image according to a predetermined set of categories; (Simske, Column 3 Lines 54 – 65, Column 4 Lines 3 - 17) and (c) automatically selecting text data from a repository that matches the category of the image according to a predetermined criterion; (Simske, Column 4 Lines 25 – 52) and wherein (c), (b) and (c) are executed on one or more servers. (Simske, Column 8 Lines 30 - 36) Simske fails to teach wherein text data is at least one of a newspaper, book, magazine, brochure, pamphlet or advertisement; and wherein each of the newspaper, book, magazine, brochure, pamphlet or advertisement is stored as a text file. Cok et al. teach wherein text data is at least one of a newspaper, book, magazine, brochure, pamphlet or advertisement; (Cok et al., Figs. 9, 10, & 11, Column 5 Lines 1 - 56) and

wherein each of the newspaper, book, magazine, brochure, pamphlet or advertisement is stored as a text file. (Cok et al., Figs. 9, 10, & 11, Column 5 Lines 1 – 56, Element 142, "prestored digital image" it can be understood that prestored images, such as that of Fig. 10, are stored as files on the CPU and although they are called image files they contain images of text which is analogous to a text file which once combined will output the same result) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Simske with the teachings of Cok et al. This modification would have been prompted because Simske teaches adding any kind of text data to a digital image. In order to add more variety and a larger cache of text data to the existing method and system of Simkse the inclusion of text data as taught by Cok et al. would accomplish that goal with a reasonable expectation of success.

- With regards to claim 19, Simske teaches an apparatus including one or more servers for automatically combining a digital image with text data, (Simske, Column 2 Lines 27 – 51 and Column8 Lines 20 – 36) comprising: a receiving means on at least one of the one or more servers configured to receive electronic data comprising a digital image, (Simske, Fig. 1, Column 3 Lines 40 – 54) a classification means on at least one of the one or more servers configured to automatically classify the image according

to a predetermined set of categories, (Simske, Column 3 Lines 54 – 65,
Column 4 Lines 3 - 17) and a selection means on at least one of the one
or more servers configured to automatically select text data from a
repository that matches the category of the image according to a
predetermined criterion; (Simske, Column 4 Lines 25 – 52) and wherein
the text data is not metadata. (Simske, Column 3 Lines 10 – 16,
"annotation data 203 may be directly added to image") Simske et al. fail to
teach wherein the text data is at least one of a newspaper, book,
magazine, brochure, pamphlet or advertisement; and wherein each of the
newspaper, book, magazine, brochure, pamphlet or advertisement is
stored as a text file. Cok et al. teach wherein the text data is at least one
of a newspaper, book, magazine, brochure, pamphlet or advertisement;
Cok et al., Figs. 9, 10, & 11, Column 5 Lines 1 - 56) and wherein each of
the newspaper, book, magazine, brochure, pamphlet or advertisement is
stored as a text file. (Cok et al., Figs. 9, 10, & 11, Column 5 Lines 1 – 56,
Element 142, "prestored digital image" it can be understood that prestored
images, such as that of Fig. 10, are stored as files on the CPU and
although they are called image files they contain images of text which is
analogous to a text file which once combined will output the same result) It
would have been obvious to one of ordinary skill in the art at the time of
the invention to modify the teachings of Simske with the teachings of Cok
et al. This modification would have been prompted because Simske

teaches adding any kind of text data to a digital image. In order to add more variety and a larger cache of text data to the existing method and system of Simkse the inclusion of text data as taught by Cok et al. would accomplish that goal with a reasonable expectation of success.

- With regards to claim 20, Simske in view of Cok et al. teaches the apparatus according to claim 19, further comprising a combing means configured to automatically combine the image and the selected text data to form a combined document. (Simske, Column 3 Lines 10 – 19)

Response to Arguments

3.   Applicant's arguments with respect to claims 1 – 20 have been considered but are moot in view of the new ground(s) of rejection.

4.   Applicant's arguments filed 06 March 2008 have been fully considered but they are not persuasive. On pages 7 and 8 of the arguments and remarks received on 06 March 2008, Applicant's Representative argues that an image file containing text is not the same as a text file. The Examiner respectfully disagrees. The claims require "text data", this limitation is covered because a picture of text stores "text data" and the file reads on a text file because the file contains text.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC RUSH whose telephone number is (571)270-3017. The examiner can normally be reached on 7:30AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ER
/Samir A. Ahmed/
Supervisory Patent Examiner, Art Unit 2624